

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**November 3, 2003**

<b>IN RE:</b>	)	
	)	<b>DOCKET NO.</b>
<b>GENERIC DOCKET ADDRESSING</b>	)	<b>00-00523</b>
<b>RURAL UNIVERSAL SERVICE</b>	)	

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**ORDER CONTINUING STAY AND ABEYANCE**

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This docket came before the Hearing Officer for consideration of the status of the stay and abeyance ordered in the May 5, 2003 *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions* and continued in orders entered on July 2, 2003, August 4, 2003, and September 2, 2003.

In the *Order Granting Conditional Stay, Continuing Abeyance, and Granting Interventions*, the Hearing Officer granted the *Joint Agreed Motion for 60-Day Conditional Stay* filed on April 25, 2003 by the Tennessee Rural Independent Coalition<sup>1</sup> ("Coalition") and BellSouth Telecommunications, Inc. ("BellSouth"). In doing so, the Hearing Officer held that no further action will be taken for sixty (60) days on the *Petition for Emergency Relief and Request for Standstill Order by the Tennessee Rural Independent Coalition* filed on April 3, 2003 or BellSouth's counterclaim filed on April 15, 2003. The Hearing Officer

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<sup>1</sup> The Coalition includes the following companies: Ardmore Telephone Company, Inc.; Ben Lomand Rural Telephone Cooperative, Inc.; Beldsoe Telephone Cooperative; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Concord Telephone Exchange, Inc.; Crockett Telephone Company, Inc.; Dekalb Telephone Cooperative, Inc.; Highland Telephone Cooperative, Inc.; Humphreys County Telephone Company; Loretto Telephone Company, Inc.; Millington Telephone Company; North Central Telephone Cooperative, Inc.; Peoples Telephone Company; Tellico Telephone Company, Inc.; Tennessee Telephone Company, Twin Lakes Telephone Cooperative Corporation; United Telephone Company; West Tennessee Telephone Company, Inc.; and Yorkville Telephone Cooperative.

also granted the request of BellSouth and the Coalition to continue to hold in abeyance *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000.*

After receiving updates from the parties evidencing their continued negotiations, the Hearing Officer entered orders on July 2, 2003, August 4, 2003, and September 2, 2003 extending the stay and abeyance. As per the September 2, 2003 order, the current stay and abeyance period expires on November 3, 2003 and the parties are to file an update on their negotiations by October 30, 2003.

On October 31, 2003, BellSouth and the Coalition filed an *Update on Status of Discussions with ICOs, BellSouth, and CMRS Providers*.<sup>2</sup> In the update, the parties explain that the Coalition and Commercial Mobile Radio Service (“CMRS”) providers continue to negotiate the terms of interconnection.<sup>3</sup> Additionally, the parties explain that BellSouth intends to present a draft agreement to the Coalition on November 14, 2003 addressing issues related to the physical interconnection through which CMRS traffic transits BellSouth’s network. The parties also note in the update that they are continuing to negotiate the manner in which BellSouth will compensate Coalition members during the negotiations for CMRS-originated traffic that transits BellSouth’s network and terminates to a Coalition member end user. The parties expressly reserve their rights to present

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<sup>2</sup> On October 30, 2003, Joelle Phillips, counsel for BellSouth, contacted the Hearing Officer’s office and received approval for the parties to file the joint update on October 31, 2003.

<sup>3</sup> Per the update, the arbitration window closes on November 6, 2003. *Update on Status of Discussions with ICOs, BellSouth and CMRS Providers*, 1 (Oct. 31, 2003).

arguments related to this issue in the event no agreement is reached.<sup>4</sup> Lastly, the parties conclude by requesting that the Hearing Officer continue to hold BellSouth's petition for reconsideration in abeyance for an additional sixty (60) days.

It appears the parties are actively negotiating both the terms of interconnection between Coalition members and CMRS providers and the interim compensation method for CMRS-originated traffic that transits BellSouth's network and terminates to a Coalition member end user. Therefore, the Hearing Officer finds that the request to continue to hold BellSouth's petition for reconsideration in abeyance should be granted. Further, the Hearing Officer concludes that the stay of the Coalition's emergency petition and BellSouth's counterclaim should be continued as well.

**IT IS THEREFORE ORDERED:**

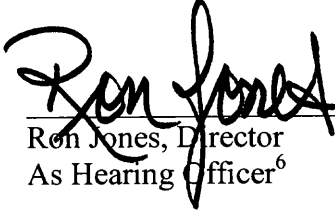
1) Unless otherwise ordered, no action will be taken before **Monday, January 5, 2003** on the *Petition for Emergency Relief and Request for Standstill Order By the Tennessee Rural Independent Coalition* filed on April 3, 2003, BellSouth Telecommunications, Inc.'s counterclaim filed on April 15, 2003, and *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* filed on July 15, 2002.<sup>5</sup>

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<sup>4</sup> The parties' previous agreement contained in the April 25, 2003 *Joint Motion for 60-Day Conditional Stay* regarding the manner in which Bellsouth will compensate Coalition members for CMRS-originated traffic that transits BellSouth's network and terminates to a Coalition member end user was limited to a ninety (90) day period.

<sup>5</sup> The actual continuance period is sixty-three (63) days rather than sixty (60) days in order to accommodate the procedural schedule in Docket No. 03-00491, *In re: Implementation of the Federal Communications Commission's Triennial Review Order – 9 Month Proceeding – Switching*.

2) BellSouth Telecommunications Inc. and the Tennessee Rural Independent Coalition shall file by **Friday, January 2, 2003** an update on the negotiations that have occurred, a schedule of any future negotiations, and a statement as to whether a further continuance of the stay and abeyance is necessary.

  
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Ron Jones, Director  
As Hearing Officer<sup>6</sup>

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<sup>6</sup> See *Order Accepting Petition for Appeal and Appointing Hearing Officer*, 3 (Sept. 17, 2002) (appointing Director Jones “for the purpose of preparing this matter for consideration by the Directors”).